

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FLOYD JENNINGS,

Plaintiff,

Case No. 1:10-cv-110

v.

Honorable Paul L. Maloney

MIKE HALL et al.,

Defendants.

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On March 3, 2010 (docket ##5, 6), the Court entered an opinion and order denying Plaintiff leave to proceed *in forma pauperis* because he has “three strikes” within the meaning of 28 U.S.C. § 1915(g). Plaintiff failed to pay the filing fee in the required time period, and the Court dismissed the action on April 15, 2010 (docket ##7, 8). In the dismissal, the Court warned Plaintiff that should he file a notice of appeal, he would be required to pay the \$455.00 filing fee in a lump sum, because he is prohibited from proceeding *in forma pauperis* on appeal by § 1915(g).

Plaintiff has now filed a notice of appeal, but has failed to submit the \$455.00 filing fee. Instead, he has filed a motion to proceed *in forma pauperis* on appeal (docket #12). As outlined in the Court’s memorandum opinion and order denying him pauper status based on § 1915(g), Plaintiff is barred from proceeding *in forma pauperis* on this appeal. Accordingly, his motion will be denied. Plaintiff has twenty-eight (28) days from the date of entry of this order to pay the entire appellate filing fee, which is \$455.00, to the Clerk of this Court. Plaintiff’s failure to comply with

this order may result in dismissal of this appeal without prejudice by the Sixth Circuit Court of Appeals.

Dated: June 11, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge

SEND REMITTANCES TO THE FOLLOWING ADDRESS:

Clerk, U.S. District Court
399 Federal Building
110 Michigan Street, NW
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to “Clerk, U.S. District Court.”